

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Kazunari HASEBE

Serial No. 10/584,399

Filing Date: June 4, 2007

For: HEATING-TYPE BALLOON  
CATHETER DEVICE, AND ELASTIC  
TUBE DEVICE AND VIBRATOR  
DEVICE FOR THE CATHETER  
DEVICE

Examiner: Jaymi E. Della

Group Art Unit: 3739

Conf. No. 9222

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Action mailed September 7, 2010, applicant elects the claims of Group I, claims 1-10, for prosecution at this time, *with traverse*.

The Examiner admits that claims 1-10 in Group I and claims 11-14 in Group II all recite an elastic tube but contends that this feature is not a special feature under PCT Rule 13.2 because the Eshel reference discloses this feature. However, the Examiner has failed to analyze the claimed configuration of margin volume part (claim 1) and the claimed indicators (claim 11). Applicant believes these features distinguish the claimed invention over Eshel. Accordingly, claims 1-14 should be examined together because claims are patentable over Eshel due to the claimed features of the elastic tube.

In the event that the transmittal is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions

for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952**, referencing Docket No. **360882016200**.

Respectfully submitted,

Dated: September 28, 2010

By: 

Takamitsu Fujiu  
Registration No. 63,971  
Morrison & Foerster LLP  
1650 Tysons Boulevard, Suite 400  
McLean, VA 22102-3915  
Telephone: (703) 760-7751  
Facsimile: (703) 760-7777